

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARCELLUS CAIN

v.

MICHAEL NUTTER, MAYOR;  
LOUIS GIORLA, COMMISSIONER; and  
JOHN DELANEY, WARDEN.

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CIVIL ACTION

NO. 15-5524

**ORDER**

**AND NOW**, this 30th day of November, 2016, upon consideration of Plaintiff's complaint (Doc. No. 3) and Defendants' motion to dismiss (Doc. No. 4), and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED**:

1. Defendants' motion to dismiss is **DENIED**.

**BY THE COURT:**



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**MITCHELL S. GOLDBERG**  
United States District Judge